

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed and considered the Office Action mailed on July 15, 2003, and the references cited therewith.

Claims 1, 38, 41, 44, and 45 are amended, claims 37 and 40 are canceled, and no claims are added; as a result, claims 1-36, 38, 39, and 41-47 are now pending in this application.

#### **Claim Objections**

Claims 41 and 44 were objected to because of the following informalities:

The Examiner stated that:

In claim 41, the applicant claims 'within a larger track log', but the applicant did not state if the track log was larger than another track log for example.

Applicant has amended claim 41 to clarify the language of the claim and believes the amendment resolves the informalities of the claim. Accordingly, Applicant respectfully request reconsideration and withdrawal of the objection to claim 41.

With respect to claim 44, the Examiner stated that:

In claim 44, the applicant claims 'entering a vendor, a vendor city, and one or more attendees in association with the expense report entry.' The limitation is not clear with respect to attendees.

Applicant has amended claim 44 to rectify the objection noted by the Examiner. Specifically, amended claim 44 provides:

entering a vendor to which the travel distance will be expensed, a travel end location, and one or more attendees travelling to the end location in association with the expense report entry.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the Examiner's objection of claim 44, based upon the reasoning provided above.

§102 Rejection of the Claims

Claims 1-29 and 38-47 were rejected under 35 U.S.C. §102(e) as being anticipated by Ran (U.S. Patent No. 6,317,686).

The Examiner states that the Ran reference discloses:

monitoring travel of the PDA and recording (col. 22, lines 9-15) track log data points (point to point, node, node coordinate; col. 17, lines 17-39; col. 21, lines 30-49) that represent the PDA travel (Figs. 6, 8-10); and associating a travel distance from the recorded track log with a PDA expense report entry (Fig. 9, steps 97, 99; col. 22, lines 41-49).

The Ran reference appears to describe predicting trip costs by submitting a route, to be travelled, to an Internet website that computes travel cost using predicted trip costs such as generic historical statistics to determine a predictive cost of travelling a new route (col. 17, lines 7-30).

Applicant's claim 1 recites:

monitoring travel of the PDA and recording track log data points that represent the PDA travel;

The Ran reference does not monitor actual travel of a PDA, but rather uses information collected from sensors that generally sense the flow of traffic on a variety of traffic arteries. Specifically, the reference states that:

real-time travel speed and travel time 28 data are directly measured using field devices 212, such as [detectors] (see col. 18, beginning at line 32.) and sensors, or provided by probe vehicles 212. (col. 18, beginning at line 8.)

This statement indicates that the data taken is not data from the user's vehicle, but for general traffic flow as a whole. Additionally, the reference does not record a track log of data points that represent the PDA travel, but appears to use historical data provided from a third party source to make traffic predictions.

Specifically, the reference states:

The travel information systems are based on the availability of reliable computer-based maps and the availability of traffic data, available over the Internet, which are typically supplied by each state's Department of Transportation. Internet provided data includes real-time velocities and the number of vehicles per minute traveling selected roads. Over time such data can also supply

historical travel times between selected points. (col. 1, beginning at line 31.)

The reference appears to indicate that once the predictions are calculated, the predictions are sent to a variety of devices so that users of the devices can view the predictions. In particular, the reference recites:

The predicted speeds and travel times 9 are then used to produce various types of customized traffic forecast products, including traffic forecast maps 10, point-to-point text report and alert 11, and address-to-address routing and alert 12...these customized traffic forecast products and data services are then sent to users via various types of devices and wireline or wireless Internet 4. These devices include website 13, cell phone 14, pager 15, PDA 16, hand-held computer 17, in-vehicle device 18, and cable TV 19. (col. 17, beginning at line 17.)

This paragraph appears to be the only reference to a PDA in the Ran reference. The cited text appears to show that the reference does not monitor or track a PDA, but rather sends forecasts/predictions to the PDA for viewing by a user of the device.

Applicant's independent claim 1, recites "monitoring travel of the PDA and recording track log data points that represent the PDA travel". As discussed above, Ran does not teach or suggest these elements of Applicant's claim 1. As such, each and every element and limitation of the Applicant's independent claim 1 is not shown in the reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 1 and those claims that depend therefrom.

The Examiner rejected independent claim 15 reciting that the Ran reference showed:

monitoring travel of a PDA from the starting location (col.22, lines 22-66);  
recording (col. 22, lines 9-15) a number of track log data points ...  
that represent actual positions of the PDA from the monitored  
travel of the PDA (figs. 6, 8-10).

As discussed with respect to claim 1, the Ran reference does not teach monitoring the travel of a PDA or recording a number of track log data points that represent actual positions of the PDA. Since claim 15 includes similar claim

language with respect to the elements of monitoring and recording, the arguments of claim 1 are applicable to claim 15. Since, each and every element and limitation of the Applicant's independent claim 15 is not shown in the reference, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 15 and those claims that depend therefrom.

The Examiner rejected independent claim 21 reciting that the Ran reference showed:

procedures for determining a travel distance include:  
calculating a route between a starting location and an ending location (col. 22, lines 4-15);  
determining a distance along a track log (prediction out put 98) between the starting location and the ending location (col. 22, lines 22-49); and  
incrementing a counter to monitor a distance travelled (col. 22, lines 42-49; fig. 9) from the starting location;

As stated above with respect to claims 1 and 15, the Ran reference does not record a track log as defined by Applicant because it does not track a user's device, but rather, uses generic data taken from a variety of sources to make a prediction. (See Ran col. 1, beginning at line 31.) Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 21 and the claims that depend therefrom.

The Examiner also rejected dependent claim 24 based upon the Ran reference. The Examiner notes (with respect to claim 24) that Ran references GPS at column 22, beginning at line 4. However, the Ran reference teaches only using GPS for the purpose of making personalized traffic predictions and trip decisions. Ran does not teach use of GPS as presently claimed in claim 24. Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 24 and the claims that depend therefrom.

The Examiner rejected independent claim 38 reciting that the Ran reference showed:

determining a travel distance based on navigational data (fig.9, steps 97, 99; col. 22, lines 41-49); and

associating the travel distance with a PDA expense report entry (fig. 9, steps 97, 99; col. 22, lines 41-49).

Applicant's amended claim 38 recites:

determining a travel distance having business and non-business segments based on navigation data; and  
associating the travel distance of the business segments with a PDA expense report entry.

The reference does not show that different types of data can be distinguished, such as in segments, within a travel distance. Nor does the reference show that a particular selected type of data can be sent to an expense report. As such, each and every element and limitation of the Applicant's independent claim 38 is not shown in the reference. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 38 and those claims that depend therefrom.

The Examiner rejected independent claim 44 reciting similar arguments to those recited regarding claims 1 and 15. Since claim 44 includes similar claim language with respect to the elements of monitoring and recording, the arguments of claims 1 and 15 are applicable to claim 44. Additionally, claim 44 includes:

entering a vendor to which the travel distance will be expensed, a travel end location, and one or more attendees travelling to the end location in association with the expense report entry.

The Ran reference does not teach the entering of a vendor, a travel end location, and attendees in association with an expense report entry. Since, each and every element and limitation of the Applicant's independent claim 44 is not shown in the reference, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 44.

The Examiner rejected independent claim 45 reciting that the Ran reference showed:

a routing capability;  
a position monitoring capability associated with the routing capability; and

wherein the PDA includes an odometer interface page available on a display and which is operable for recording an expense report entry.

The reference appears to show a mileage prediction program that allows a user to choose a number of entry criteria such as time of day of travel, potential destination points, and aggressiveness of the driver, among others.

Applicant's claim 45 recites:

an odometer interface page available on a display and which is operable for recording an expense report entry.

The reference does not teach or discuss an odometer interface page, in fact, the term odometer is not mentioned in the application. Since, each and every element and limitation of the Applicant's independent claim 45 is not shown in the reference, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 45 and those claims that depend therefrom.

Claims 31-36 were rejected under 35 USC § 102(e) as being anticipated by Yamashita, et al. (U.S. Publication No. 2002/0052689). Claim 31 recites:

computer-executable instructions are operable to;  
monitor travel of the PDA;  
record track log data points that represent actual positions of the PDA from the monitored travel of the PDA;  
identify a travel distance from the recorded track log data points; and  
associate that travel distance with the expense report data.

The Examiner rejected independent claim 31 reciting that the reference taught all of the above elements. However, the reference appears to teach a route prediction device wherein routes are each given a cost (i.e., weighted against one another) and then compared to find the optimum possible route to be taken. As stated in paragraph 0064, beginning at line 7:

a cost is a weight each assigned to links, indicating a time or a distance to be taken for the user's vehicle to pass through the corresponding road. The cost is used at the time of route search.

The reference does not provide any reporting of expenses or use the terms expense or report therein. Additionally, as stated above, the use of cost with respect

to a route is a weight applied to each link of a potential route in order to ascertain the optimum route, not the actual cost for the purpose of recording the expenses of taking a trip. As such, each and every element and limitation of the Applicant's independent claim 31 is not shown in the reference, Applicant respectfully requests reconsideration and withdrawal of the 102 rejection for independent claim 31 and those claims that depend therefrom.

*§103 Rejection of the Claims*

Claim 30 was rejected under 35 USC § 103(a) as being unpatentable over Ran (U.S. Patent No. 6,317,686) in view of Obradovich, et al. (U.S. Publication No. 2002/0013815). Claim 30 is dependent upon claim 21 and accordingly is deemed allowable upon the basis discussed with respect to claim 21.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 659-9340 to facilitate prosecution of this matter.

If necessary, please charge any additional fees or credit overpayment to the Deposit Account No. 501-791. **Additionally, please direct all future correspondence regarding this case to: 1200 E. 151ST ST., OLATHE, KS 66062, ATTENTION: DEVON A. ROLF.**

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to:  
**MS NON-FEE AMENDMENT** Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450  
on this 2nd day of October, 2003.

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